

Exhibit 1

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Slip Copy, 2008 WL 104079 (M.D.Fla.)
(Cite as: Slip Copy)

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O.N. Equity Sales Co. v. Samuels
M.D.Fla., 2008.
Only the Westlaw citation is currently
available.
United States District Court, M.D. Florida,
Tampa Division.
The O.N. EQUITY SALES COMPANY,
Plaintiff,
v.
Allen SAMUELS, individually and on be-
half of International Trading Agency, Inc.,
Defendant.
No. 8:07-cv-1091-T-23TGW.

Jan. 8, 2008.

[Burton Webb Wiand](#), [George L. Guerra](#),
Fowler, White, Boggs & Banker, PA,
Tampa, FL, [Marion H. Little, Jr.](#), [Michael](#)
[R. Reed](#), Zeiger, Tigges & Little, LLP,
Columbus, OH, for Plaintiff.
[Joel A. Goodman](#), Goodman & Nekvasil,
PA, Clearwater, FL, for Defendant.

ORDER

[STEVEN D. MERRYDAY](#), District Judge.
*1 Pursuant to [28 U.S.C. § 636](#) and
Local Rule 6.01(b), the following motions
were referred to the United States Magis-
trate Judge for a report and recommenda-
tion: (1) the plaintiff's motion for prelimin-
ary injunction (Doc. 7); (2) the plaintiff's
motion to consolidate preliminary injunc-
tion hearing with trial on the merits (Doc.
8); (3) the plaintiff's motion for an order
authorizing the parties to engage in imme-
diate discovery on the issue of arbitrability
(Doc. 11); (4) the defendant's motion to
compel arbitration (Doc. 13); (5) the de-
fendant's motion for protective order (Doc.
14); and (6) the plaintiff's motion (Doc. 33)
for an order precluding summary disposi-
tion of the defendant's motion to compel
arbitration pending discovery on the issue

of arbitrability. Following the Magistrate
Judge's November 30, 2007, report and re-
commendation (Doc. 41), the plaintiff ob-
jects (Doc. 43) and the defendant responds
(Doc. 45) in opposition to the plaintiff's ob-
jections.

A *de novo* determination of those por-
tions of the report and recommendation to
which the plaintiff objects reveals that the
objections either are unfounded or other-
wise require no different resolution of the
motion. Accordingly, the plaintiff's objec-
tions (Doc. 43) are **OVERRULED** and the
Magistrate Judge's report and recommenda-
tion (Doc. 41) is **ADOPTED**. The follow-
ing motions are **DENIED**:

the plaintiff's motion for preliminary
injunction (Doc. 7);

the plaintiff's motion to consolidate
preliminary injunction hearing with trial on
the merits (Doc. 8);

the plaintiff's motion for an order au-
thorizing the parties to engage in immedi-
ate discovery on the issue of arbitrability
(Doc. 11);

the defendant's motion for protective
order (Doc. 14); and

the plaintiff's motion (Doc. 33) for an
order precluding summary disposition of
the defendant's motion to compel arbitra-
tion pending discovery on the issue of ar-
bitrability.

The defendant's motion to compel arbit-
ration (Doc. 13) is **GRANTED**. Pursuant to
[9 U.S.C. § 4](#), the parties are directed to
proceed to arbitration in accordance with
the terms of the arbitration agreement, and
this action is **STAYED** pending arbitration.
The Clerk is directed to terminate any
pending motion and **ADMINISTRAT-
IVELY CLOSE** the case.

ORDERED.

M.D.Fla.,2008.
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